



**Zoning Ordinance Approval**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 44**  
**AGENDA DATE: Thu 02/17/2005**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0174 - Lyly Fisher's Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11920 North IH-35 Service Road Southbound (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on January 13, 2005. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Lyly Fisher. Agent: The Hertz Corporation (Paul Wucker). City Staff: Glenn Rhoades, 974-2775.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## SECOND/THIRD READING SUMMARY SHEET

**ZONING CASE NUMBER:** C14-04-0174

**REQUEST:**

Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11920 North IH-35 Service Road Southbound from limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on January 13, 2005. Vote: 7-0.

**DEPARTMENT COMMENTS:**

At first ordinance reading, the applicant amended their request to GR-CO, limited to 11 uses and all other limited office (LO) district zoning uses (see attached letter)

On January 13, 2005, Council approved GR-CO. The conditional overlay prohibited GR uses with the exception of the following; automotive rentals, business support services, consumer convenience services, food sales, general retail sales (convenience), personal improvement services, personal services, pet services, research services, restaurant (limited), restaurant (general) and all limited office (LO) district zoning uses. In addition to the 11 uses above, the final condition in the conditional overlay is a trip limitation of 2,000 vehicle trips per day.

The applicant and neighborhood are now in the process of finalizing a restrictive covenant for various design standards (see attachment A). It has not yet been finalized. One item that was approved on first reading, Consumer Convenience Services, is to be removed by agreement of the neighborhood and applicant.

At the January 13, 2005 Council requested that staff look at the commercial design standards that are at this time be worked on by the Neighborhood Planning and Zoning Department, in regards to lighting. Presently, staff is finishing up drafting the new standards and expects to bring them before Council on March 15, 2005. Since it is not yet codified it cannot be added to as a condition of zoning. However, as part of the restrictive covenant between the neighborhood and property owner, there is a section that addresses lighting. Paragraph 2 states: "Security lighting on the premises shall not illuminate directly or indirectly into the benefited properties." Both the neighborhood and the applicant at this time agree with the language

**APPLICANT:** Lyly Fisher

**AGENT:** Hertz Corporation (Paul Wucker).

**DATE OF FIRST READING/VOTE:**

January 13, 2005 – Approved GR-CO on first reading. Vote: 7-0.

**CITY COUNCIL DATE:**

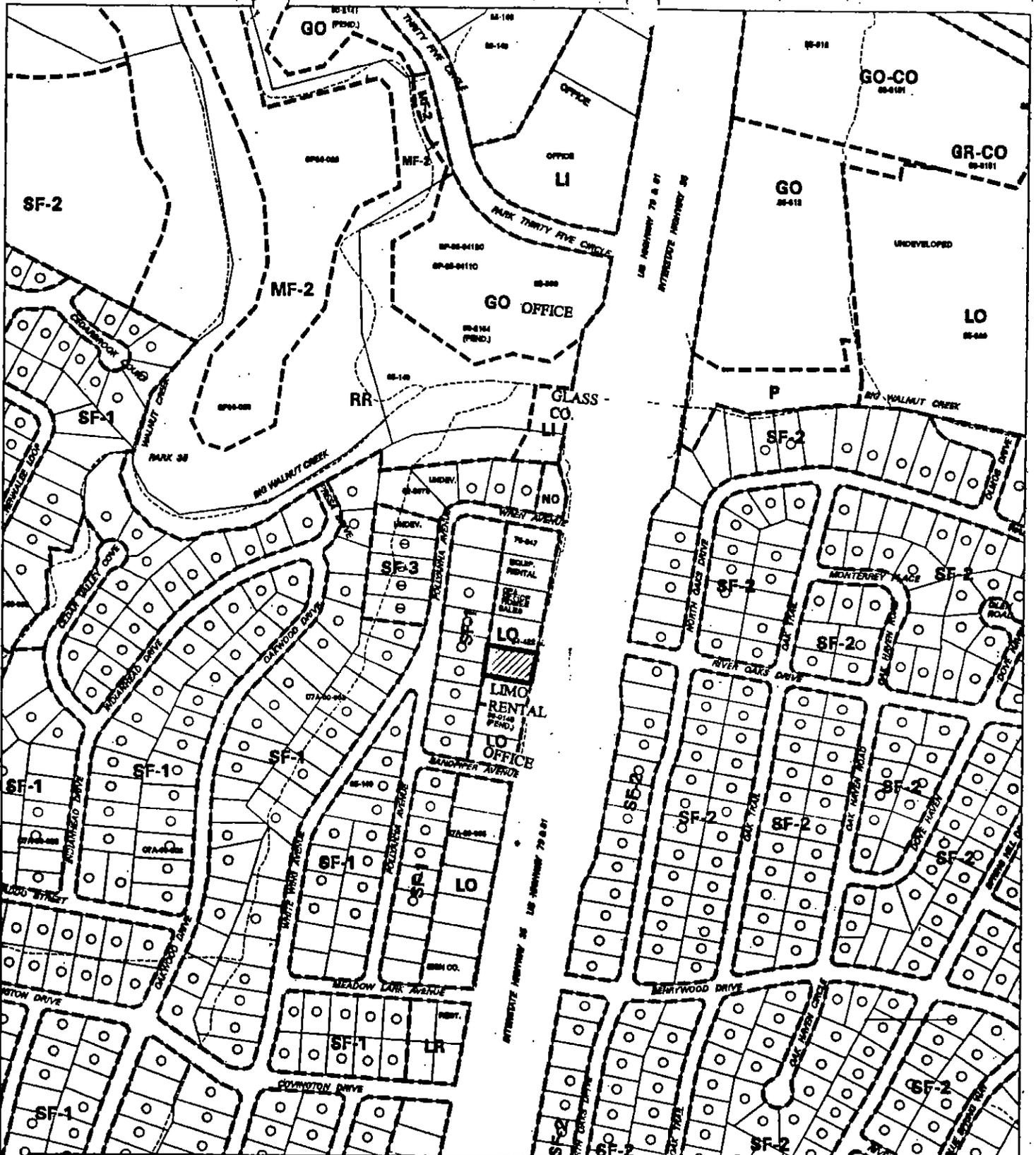
January 13, 2005 – Approved on first reading

February 17, 2005 -

**ASSIGNED STAFF:** Glenn Rhoades

**PHONE:** 974-2775

glenn.rhoades@ci.austin.tx.us



 1" = 400'	<b>SUBJECT TRACT</b> 	<b>ZONING</b>		<b>CITY GRID</b> <b>REFERENCE</b> <b>NUMBER</b> M32
	<b>PENDING CASE</b> 	<b>CASE # C14-04-0174</b> <b>ADDRESS: 1192Q N135 SVC RD SB</b>		<b>DATE: 04-10</b>
	<b>ZONING BOUNDARY</b> 	<b>SUBJECT AREA (acres): 0.390</b>		<b>INTLS: 5M</b>
	<b>CASE MGR: G. RHOADES</b>			

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 11920 NORTH IH-35, SOUTHBOUND SERVICE  
3 ROAD FROM LIMITED OFFICE (LO) DISTRICT TO COMMUNITY  
4 COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

5  
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7  
8 **PART 1.** The zoning map established by Section 25-2491 of the City Code is amended to  
9 change the base district from limited office (LO) district to community commercial-  
10 conditional overlay (GR-CO) combining district on the property described in Zoning Case  
11 No. C14-04-0174, on file at the Neighborhood Planning and Zoning Department, as  
12 follows:

13  
14 Lot 104, Walnut Forest Subdivision, a subdivision in the City of Austin, Travis  
15 County, Texas, according to the map or plat of record in Plat Book 6, Page 127, of  
16 the Plat Records of Travis County, Texas, (the "Property")

17  
18 locally known as 11920 North IH-35, southbound service road, in the City of Austin,  
19 Travis County, Texas, and generally identified in the map attached as Exhibit "A".

20  
21 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
22 established by this ordinance is subject to the following conditions:

23  
24 1. A site plan or building permit for the Property may not be approved, released, or  
25 issued, if the completed development or uses of the Property, considered cumulatively  
26 with all existing or previously authorized development and uses, generate traffic that  
27 exceeds 2,000 trips per day.

28  
29 2. The following uses are prohibited uses of the Property:

- 30  
31 Automotive repair services  
32 Automotive washing (of any type)  
33 Commercial on-street parking  
34 Exterminating services  
35 Funeral services  
36 Hotel-motel  
37 Indoor sports and recreation
- Automotive sales  
Business or trade school  
Consumer repair services  
Financial services  
General retail sales (general)  
Indoor entertainment  
Off-site accessory parking

1 Outdoor sports and recreation  
2 Service station  
3 Community recreation (private)  
4 Congregate living  
5 Hospital services (limited)  
6 Residential treatment  
7 Printing and publishing

Pawn shop services  
Theater  
Community recreation (public)  
Guidance services  
Private secondary educational facilities  
Bail bond services  
College and university facilities

8  
9 Except as specifically restricted under this ordinance, the property may be developed in  
10 accordance with the regulations established for the community commercial (GR) base  
11 district and other applicable requirements of the City Code.

12  
13 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.

14  
15  
16 **PASSED AND APPROVED**

17  
18  
19  
20 \_\_\_\_\_, 2005

Will Wynn  
Mayor

21  
22  
23  
24  
25 **APPROVED:** \_\_\_\_\_

David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk



January 10, 2005

Honorable Mayor Will Wynn and Austin City Council Members  
P.O. Box 1088  
Austin, TX 78767

**RE: 11920 IH 35 North,  
Proposed GR-CO Rezoning  
Case # C14-04-0174**

Dear Mayor Wynn and Austin City Council Members:

I am requesting your support and approval to add the following land uses to the referenced rezoning request:

- **Auto rentals**
- Business Support Services
- Consumer Convenience Services
- Food Sales
- General Retail Sales (Convenience)
- Off-site Accessory Parking
- Personal Improvement Services
- Personal Services
- Pet Services
- Research Services
- Restaurant (Limited)
- Restaurant (General)

My reasons for requesting that these land uses be added to the recommendation made by the Zoning and Platting Commission on December 7, 2004 are as follows:

- A) My property is located on IH 35, and is adjacent to a multi story building that is zoned CS. My property improvements consist of a small (1,910 S.F.) Victorian style building, which I completely renovated at significant expense, and 15 paved parking spaces.
- B) The City staff's original recommendation was GR with no restrictions; the staff recommendation was modified to GR-CO after I voluntarily agreed to prohibit nine land uses: auto repair, auto washing, bail bond services, exterminating services, commercial off-street parking, outdoor sports and recreation, drive-thru services (except financial), service station, and urban farm. I also agreed to prohibit any vehicle washing on the property, per the neighborhood's request.

- C) I currently provide a 25 foot landscape buffer from the adjacent residential properties, and I comply with all Compatibility Standards. I have agreed to not construct a fence along IH 35, per the neighborhood's request.
- D) I currently have the property leased to an auto rental company, and have agreed to limit the maximum number of vehicles on the property overnight to five, per the ZAP Commission's request. I appreciate the ZAP Commission's willingness to recommend GR-CO rezoning to allow auto rentals, but I am concerned about who I will be able to lease the property to after the current lease ends, unless other reasonable land uses are allowed besides auto rentals. It took me 18 months to find my current tenant. I do not believe this property is marketable with only auto rentals and LO uses permitted.

Thank you for your consideration to add reasonable GR land uses to this rezoning approval. I purchased this property as a Trust for my children's education, and wish to manage it in the best interests of the community. Please feel free to call or email me if any additional information is needed.

Sincerely,

LyLy Fisher  
Owner

4808 Park Lane  
Austin, TX 78732  
512-266-7500  
512-347-9651 fax

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0174

**Z.A.P. DATE:** November 16, 2004  
December 7, 2004

**C.C. DATE:** January 13, 2005  
February 17, 2005

**ADDRESS:** 11920 N. IH 35 Service Road Southbound

**APPLICANT/OWNER:** Lyly Fisher

**AGENT:** The Hertz Corporation  
(Paul Wucker)

**ZONING FROM:** LO

**TO:** GR  
Amended to GR-CO

**AREA:** .39 acres

**SUMMARY STAFF RECOMMENDATION:**

Staff's alternate recommendation is community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay will limit vehicle trips to 2,000 per day.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

November 16, 2004 – Postponed to December 2, 2004 at the request of the neighborhood (Vote: 9-0).

December 7, 2004 – Approved community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay limits trips to 2,000 per day and limits the site to automotive rentals only and all limited office (LO) district zoning uses (Vote: 8-0, C. Hammond – ineligible to vote).

The applicant and neighborhood are now in the process of finalizing a restrictive covenant for various design standards (see attachment A). It has not yet been finalized.

**ISSUES:**

The applicant is seeking a zoning change in order to use an existing office building for an auto rental business.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	LO	Vacant office building
<i>North</i>	LO	Office and Equipment rental
<i>South</i>	CS LO	Limo rental Office
<i>East</i>	Not zoned	IH-35
<i>West</i>	SF-1	Single family

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

- #051 – Northeast Walnut Creek Neighborhood Association
- #085 – Walnut Creek Neighborhood Association
- #114 – North Growth Corridor Alliance
- #511 – Austin Neighborhoods Council
- #643 – Northeast Action Group
- #937 – Taking Action Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-98-0149	LO to GR	Approved GR-CO. The CO prohibited several uses and limited the property to LO development regulations (Vote: 6-0). 10/27/98.	Withdrawn before being considered by Council on 12/10/98
C14-02-0075	SF-1 to SF-3	Approved SF-3-CO. The CO limits the property to one duplex (Vote: 5-2). 7/23/02	Denied SF-3-CO (Vote: 5-2). 1/16/03.

**ABUTTING STREETS:**

<b>NAME</b>	<b>ROW</b>	<b>PAVEMENT</b>	<b>CLASSIFICATION</b>
IH-35 North	Varies	Varies	Freeway

**CITY COUNCIL DATE:** January 13, 2005

**ACTION:** Approved GR-CO. Vote: 7-0. The CO allows only the following GR uses; auto rentals, business support services, consumer convenience services, food sales, general retail sales (convenience), personal improvement services personal services, pet services, research services restaurant (limited), restaurant (general). In addition there is a 2,000 trip limit (Vote: 7-0).

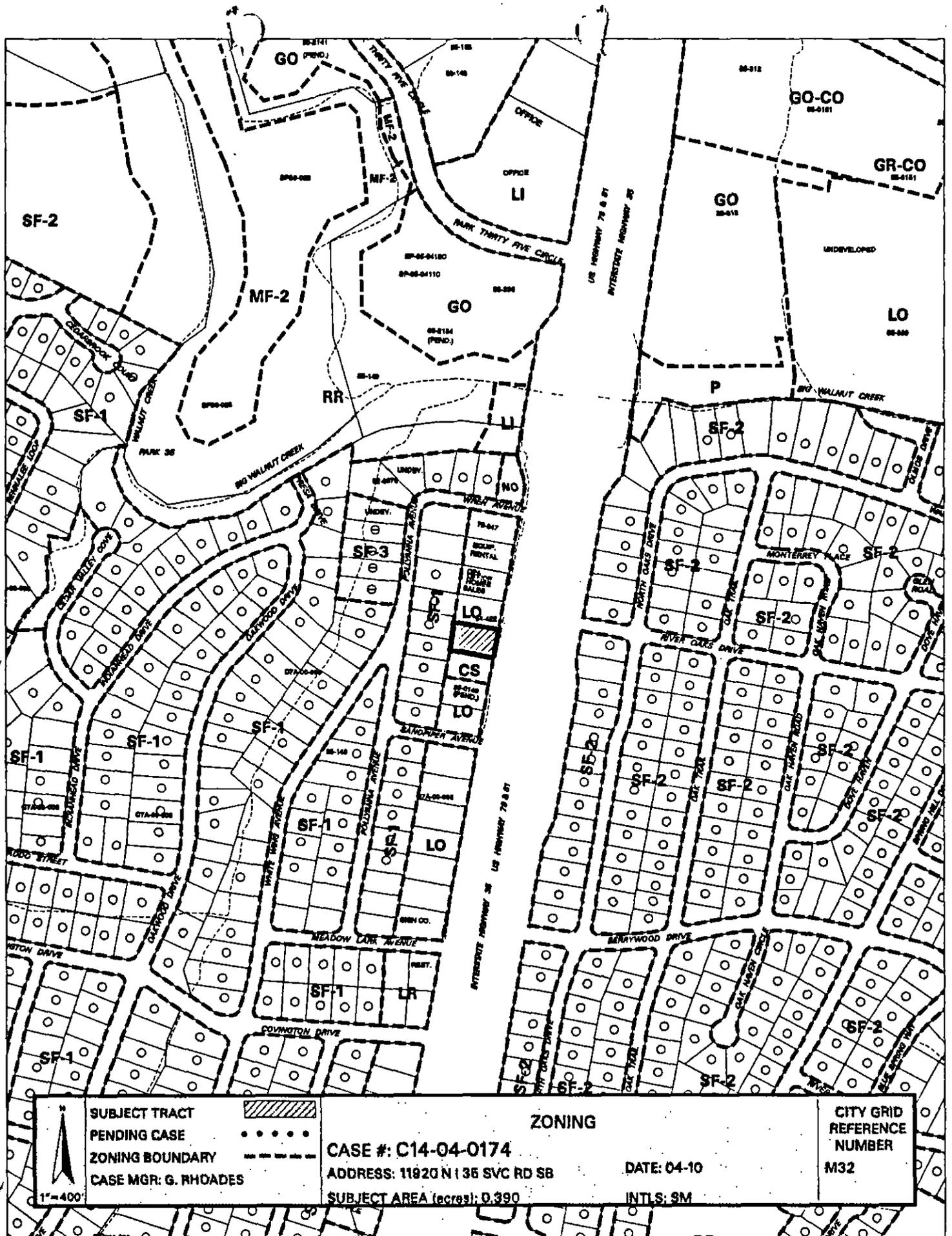
February 17, 2005

**ORDINANCE READINGS:** 1st 1/13/05 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Glenn Rhoades

**PHONE:** 974-2775



SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: G. RHOADES

**CASE #: C14-04-0174**  
**ADDRESS: 11920 N I 36 SVC RD SB**  
**SUBJECT AREA (acres): 0.390**

**ZONING**

DATE: 04-10  
 INTLS: SM

**CITY GRID  
 REFERENCE  
 NUMBER**  
 M32

1"=400'

# City of Austin Infrastructure Support Services



Case C14-04-0174

Base



This map has been produced by the City of Austin as a working draft map and is not suitable for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction or other permitted without prior written permission from the City of Austin.

## **STAFF RECOMMENDATION**

Staff's alternate recommendation is community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay will limit vehicle trips to 2,000 per day.

## **BASIS FOR RECOMMENDATION**

*The proposed zoning should be consistent with the purpose statement of the district sought.*

GR – Community Commercial zoning is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

The property meets the purpose statement set forth in the Land Development Code. It is located on the periphery of a residential neighborhood and is accessible to IH-35.

*The proposed zoning should promote consistency, and orderly planning.*

Other properties in the immediate vicinity are zoned commercial or used for commercial businesses. The property to the south is zoned CS and is used for limo rentals, and property to the north is occupied with an equipment rental business. Given the uses in the immediate vicinity, staff believes the request to be consistent and compatible with the area.

*The proposed zoning should allow for a reasonable use of the property.*

The proposed change is a fair and reasonable use of the property, due to the commercial nature of the area and the properties close proximity to IH-35.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with an office building.

### **Transportation**

The trip generation under the requested zoning is estimated to be 2,190 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Additional right-of-way may be required at the time of subdivision and/or site plan.

Capital Metro bus service is available along IH-35

### Impervious Cover

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

### Environmental

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City.

### **Compatibility Standards**

This tract is already developed and the proposed zoning change is a footprint within the existing development. A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-2 zoned property to the east and SF-1 to the south & west, and would be subject to the following requirements:

The site is subject to compatibility standards. Along the south, east and west property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the property line.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

## DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants ("Declaration") is made this \_\_\_ day of February, 2005, by Jeffery O. Fisher and Lyly Fisher, joint owners (the "Owner"), of the 0.39 acre property known as Lot 104, Walnut Forest Subdivision, and located at 11920 Interstate Hwy 35 North in Austin, Texas (the "Property").

### Recitals

WHEREAS, the Property is zoned under the City of Austin Zoning Ordinance as GR-CO (General Retail with Conditional Overlay, Case # C14-04-0174), with conditions described in Exhibit "A" attached hereto and made a part of this Declaration; and

WHEREAS, a residential subdivision known as the Walnut Creek Neighborhood Association, Inc. has been developed in the vicinity of the Property;

NOW, THEREFORE, the Owner hereby adopts, and imposes the following restrictions, covenants and conditions upon the Property which shall constitute real covenants running with the land and shall be binding upon and inure to the benefit of and be a burden on the Owner, the Owner's successors and assigns, and each Owner of any portion of the Property and shall benefit each owner of any portion of the Benefited Property (as defined below), and the Property shall be held, conveyed and occupied subject to the restrictions, covenants and conditions set forth herein,

### Definitions

"Benefited Property" means the residentially zoned property owners within 200 feet of the Property,

"Owner" and "Owners" shall mean any current or future record owner, whether one or more persons or entities, to the fee simple title to any portion of the Property.

### Property Use, Construction Standards and Restrictions

1. Property Redevelopment. In the event that the Property is redeveloped from its current development configuration, including changes to structure, structure footprint, or impervious cover, it must comply with City of Austin regulations regarding water detention, water quality and all other applicable development regulations at the time of redevelopment.
2. Business Restrictions. Business uses shall be limited to those described in Exhibit "A" and the following additional restrictions: Security lighting on the premises shall not illuminate directly or indirectly into the benefited properties. Businesses shall limit normal operational hours to between 6 AM and 10 PM. Automotive Rental business shall be limited to automobiles. The rental of large trucks, trailers and recreational vehicles or use of the property for taxicab parking or dispatching, shall be prohibited. No automotive servicing. Overnight parking shall not exceed 15 vehicles on the premises. Exterior storage for business related equipment and materials shall be in enclosed and covered structures. Pet Services shall be limited to interior pet boarding only. Restaurant alcoholic service shall be limited to beer and wine.

### General Provisions

3. The Owner hereby stipulates the covenants, conditions and restrictions herein are and shall be deemed and considered to be real covenants impressed upon the Property and binding on the Owners, and shall benefit each owner of any portion of the Benefited Property and their respective heirs and assigns.

4. These covenants may be enforced by the Owner or any owner of a portion of the Benefited Property and their respective successors, heirs and assigns. No failure to exercise, and no delay in exercising any right hereunder shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other further exercise thereof or the exercise of any other right.

5. If any party entitled to enforce these covenants undertakes procedures in law or in equity to prevent or terminate their violation, such party shall be entitled to seek injunctive relief, damages and such other relief as may be available at law or in equity. A prevailing party asserting such action shall be entitled to receive reasonable attorneys' fees.

6. In the event any one or more of the provisions contained herein shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or lack of enforceability shall not affect any other provision hereof.

7. These covenants may not be amended or modified, nor may any of the terms hereof be waived, except by written instruments signed by the Owner and fifty-one percent (51 %) of the owners within the Benefited Property.

8. These covenants shall be effective for a term of twenty-five (25) years from the date hereof, after which time they shall be automatically extended for successive ten-year periods, unless terminated or amended by a written instrument signed by the Owners and the Association, or, if the Association no longer exists, fifty-one percent (51%) of the owners of the Benefited Property, and recorded in the Real Property Records of Travis County, Texas.

9. By acceptance of a deed or by the acquiring of any ownership interest in any portion of the Property, each person or entity for himself or itself, his heirs, personal representatives, successors, and assigns binds himself, his heirs, personal representatives, successors, and assigns to all of the provisions, restrictions, covenants and conditions imposed by this Declaration, and any future amendments thereto.

**APPROVED AS TO FORM:**

\_\_\_\_\_

Wayne Tobias, President  
Walnut Creek Neighborhood Association, Inc.

**ACCEPTED BY OWNER(s):**

\_\_\_\_\_

Jeffery O. Fisher

\_\_\_\_\_

Lyly Fisher

THE STATE OF TEXAS     §  
  §  
COUNTY OF TRAVIS     §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Notary Public in and for

Printed Name: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

After recording, return document to:

Walnut Creek Neighborhood Association,  
P.O. Box 82746,  
Austin, TX 78708-2746

## Exhibit A

### **GR-Conditional Overlay of Accepted Business Uses**

#### **for Zoning Case # C14-04-0174 (the "Property")**

Definitions found in Austin City Code Title 25-Chapter 25-2-1: Use Classifications

All LO zoned uses and the following GR zoned uses are permitted uses:

**Automotive Rentals:** use is the use of a site for the rental of automobiles, noncommercial trucks, trailers, or recreational vehicles, including incidental parking and servicing of vehicles. This use includes auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.

**Business Support Services:** use is the use of a site for sale, rental, or repair of equipment or supplies used by office, professional, or service establishments, but excludes automotive, construction, and farm equipment. This use includes office equipment and supply firms, small business machine repair shops, and hotel equipment and supply firms.

**Food Sales:** use is the use of a site for the retail sale of food or household products for home consumption. This use includes grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.

**General Retail Sales (Convenience):** use is the use of a site for the sale or rental of commonly used goods and merchandise for personal or household use, but excludes uses classified more specifically in this section. This use includes the provision of household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, specialty items, apparel, jewelry, fabrics, cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, office supplies, and bicycles.

**Personal Improvement Services:** use is the use of a site for the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature. This use includes photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft or hobby instruction.

**Pet Services:** use is the use of a site for the retail sale of small animals customarily used as household pets, or the provision of veterinary, grooming, or boarding services, totally within a building. This use includes pet stores, small animal clinics, and pet grooming shops, but excludes uses for livestock and large animals.

**Research Services:** use is research of an industrial or scientific nature. This use includes electronics research laboratories, space research or development firms, and pharmaceutical research labs, and excludes product testing

**Restaurant (General):** use is the use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premises consumption of alcoholic beverages as an accessory use

**Restaurant (Limited):** use is the use of a site for the preparation and retail sale of food and beverages and excludes the sale of alcoholic beverages for on-premises consumption.

- 10. Rezoning:** C14-04-0183 - Escalon at Canyon Creek Apartments  
**Location:** 9715 & 9901 R.M. 620 North, Bull Creek Watershed  
**Owner/Applicant:** A. G. S. The Spanos Corporation (Jim Norman)  
**Agent:** Huffcut & Associates, Inc. (Mike Wilson)  
**Request:** I-RR to MF-3  
**Staff Rec.:** **Alternate Recommendation: MF-3-CO**  
**Staff:** Sherri Gager, 974-3057, sherri.gager@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**CONTINUED TO 12/21/04 (ZAP)**  
**\*PUBLIC HEARING REMAINED OPEN**  
**[M.W; J.M 2<sup>ND</sup>] (8-0) C.H – INELIGIBLE TO VOTE**

- 11 Rezoning:** C14-04-0140 - Swafford  
**Location:** 2108 Kinney Avenue, West Bouldin Creek Watershed  
**Owner/Applicant:** Clarence Jacobson  
**Agent:** Crocker Consultants (Sarah Crocker)  
**Request:** From SF-3 to NO  
**Prev.Postponements** 11/16/04  
**Staff Rec.:** **Not Recommended**  
**Staff:** Tom Bolt, 974-2755, thomas.bolt@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**APPROVED NO-CO ZONING; LIMITED TO 100 TRIPS PER DAY; SF-3 DEVELOPMENT REGULATIONS; RESTRICTED NO (NEIGHBORHOOD OFFICE) USES; ADD DAYCARE AS A PROHIBITED USE TO THE LIST; DELETE SPECIAL HISTORIC USES FROM THE LIST OF CONDITIONS.**  
**[K.J; M.W 2<sup>ND</sup>] (6-2) J.D, J.M – NAY; C.H – INELIGIBLE TO VOTE**

- 12 Zoning:** C14-04-0174 - Hertz Local Edition Braker Lane  
**Location:** 11920 IH-35 South, Walnut Creek Watershed  
**Owner/Applicant:** Lyly Fisher  
**Agent:** Hertz Corporation (Paul Wucker)  
**Prev.Postponements** 11/16/04 (Req. by Neighborhood)  
**Request:** LO to GR, Staff's alternate recommendation is GR-CO  
**Staff Rec.:** **RECOMMENDED**  
**Staff:** Glenn Rhoades, 974-2775, glenn.rhoades@ci.austihn.tx.us

**APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING; AUTO RENTAL AS THE ONLY GR USE; ALL LO USES PERMITTED; RESTRICTIVE COVENANT TO BE DISCUSSED BETWEEN THE APPLICANT & NEIGHBORHOOD.**  
**[K.J; J.M 2<sup>ND</sup>] (8-0) C.H – INELIGIBLE TO VOTE**